

REMARKS

At the outset, the Examiner is thanked for the thorough review and consideration of the pending application. The non-final Office Action dated April 23, 2010 has been received and its contents carefully reviewed.

Claims 1 and 48 are hereby amended. Claims 3-6, 8-9, 11-14, 16-20, 23-28, 31-37 and 40-42 were previously canceled. Claims 50-53 are hereby added. Accordingly, claims 1, 2, 7, 10, 15, 21, 22, 29, 30, 38, 39 and 43-53 are currently pending. Reexamination and reconsideration of the pending claims is respectfully requested.

Claims 48 and 49 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly claim the subject matter which the Applicants regard as the invention. *Office Action* at p. 2, ¶ 2. Applicants have amended claim 48 and request that the Office withdraw the 35 U.S.C. § 112, second paragraph rejection of claims 48 and 49.

Claim 1 is rejected under 35 U.S.C. §102(b) as being anticipated by “A New Control Protocol for Home Appliances - LnCP” by Lee et al., (hereinafter “*Lee*”). *Office Action* at page 3. Applicants respectfully traverse this rejection and request reconsideration.

Independent claim 1 is allowable over the cited reference in that claim 1 recites a combination of elements including, for example, “the network layer transmits a NPDU (network protocol data unit) to the data link layer, wherein the NPDU comprises a start indicating field, a length field, and an end indication field, the start indicating field indicating a start of the NPDU, the length field specifying a length of the NPDU, and the end indication field indicating an end of the NPDU, wherein when a data having a length corresponding to the length field is received by the processor and the end indication field is not received by the processor, the processor considers this as a data error ... the network management sub-layer transmits a parameter set-primitive to the parameter management layer, the parameter set-primitive including a destination layer field and a parameter field indicating which parameter is to be set, and the destination layer field indicating one of the application layer, the network layer, the data link layer, and the physical layer, and wherein when the parameter management layer receives the parameter set-primitive, the parameter management layer processes the received parameter set-primitive according to the destination field and the parameter field included in the parameter set-

primitive.” *Lee* does not disclose, expressly or inherently, at least these features of the claimed invention.

The Office asserts that “a network layer function to perform address management function (i.e. end-to-end packet delivery) is inherent in *Lee* in order to enable the network manager to communicate with other appliances via a network bust (the data link layer and physical layer functions).” *Office Action* at p. 4. *Lee*, however, is entirely silent regarding any disclosure, express or inherent, concerning a “network layer [that] transmits a NPDU (network protocol data unit) to the data link layer, wherein the NPDU comprises a start indicating field, a length field, and an end indication field, the start indicating field indicating a start of the NPDU, the length field specifying a length of the NPDU, and the end indication field indicating an end of the NPDU, wherein when a data having a length corresponding to the length field is received by the processor and the end indication field is not received by the processor, the processor considers this as a data error.” *Lee* discloses that “the protocol defines only the packet to communicate on a peer-to-peer basis with Data Link Layer” where “[e]ach packet is made up of a header, a body and a trailer.” *Lee* at § 4. Even if one of ordinary skill in the art considered *Lee*’s packet as the “NPDU” recited in claim 1, which it is not, *Lee* still fails to disclose, expressly or inherently that “the NPDU comprises a start indicating field, a length field, and an end indication field, the start indicating field indicating a start of the NPDU, the length field specifying a length of the NPDU, and the end indication field indicating an end of the NPDU, wherein when a data having a length corresponding to the length field is received by the processor and the end indication field is not received by the processor, the processor considers this as a data error,” as recited in claim 1.

The Office also asserts that *Lee* discloses that “the network appliance may receive a user request via a user interface (network management sub-layer function) to control the appliance on/off or variable power, or to monitor the appliance (parameter management layer function).” *Office Action* at p. 5. *Lee*, however, discloses that “the [Living network Control Protocol] LnCP introduce the network management device to interface with user through keyboard and screen.” *Lee* at § 2.1. Even if one of ordinary skill in the art construed *Lee*’s user interface as the “network management sub-layer” recited in claim 1, as suggest by the Office, *Lee* still fails to disclose, expressly or inherently that “the network management sub-layer transmits a parameter set-primitive to the parameter management layer, the parameter set-primitive including a destination layer field and a parameter field indicating which parameter is to be set, and the destination layer field indicating one of the application layer, the network layer, the data link

layer, and the physical layer, and wherein when the parameter management layer receives the parameter set-primitive, the parameter management layer processes the received parameter set-primitive according to the destination field and the parameter field included in the parameter set-primitive,” as recited in claim 1.

For at least these reasons, Applicants respectfully request that the Office withdraw the 35 U.S.C. § 102(b) rejection of independent claim 1.

Claims 2, 7, 10, 15, 21, 22, 29, 30, 38, 39 and 43-49 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Lee* in view of “Towards Dependable Home Networking: An Experience Report” by Wang et al. (hereinafter “*Wang*”). *Office Action* at p. 7. Applicants respectfully traverse the rejection and request reconsideration.

Wang fails to cure the deficiencies of *Lee* with respect to independent claim 1. Indeed, the Office only relied on *Wang* to purportedly disclose “a dependent home network ... wherein the physical layer compris[es] a special protocol for providing an interface with a dependent transmission medium” and “a home networking system, ... using a Living Network Control Protocol LnCP, based on OSI reference model and layer [structure].” *Office Action* at pp. 7-8. Because none of the cited references, either individually or in combination, teaches or suggests each and every element of independent claim 1, they also fail to teach or suggest each and every element of claims 2, 7, 10, 15, 21, 22, 29, 30, 38, 39 and 43-49, which depend from claim 1. Accordingly, Applicants respectfully request the Office to withdraw the 35 U.S.C. § 103(a) rejection of claims 2, 7, 10, 15, 21, 22, 29, 30, 38, 39 and 43-49.

New claims 50-53 are patentable over the cited references. Claims 50-53 depend from independent claim 1. Because none of the cited references, either individually or in combination, teaches or suggests each and every element of independent claim 1, they also fail to teach or suggest each and every element of claims 50-53, which depend from claim 1.

CONCLUSION

The application is in condition for allowance. Early and favorable action is respectfully solicited.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at (202) 496-7500 to discuss the steps

necessary for placing the application in condition for allowance. All correspondence should continue to be sent to the below-listed address.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to Deposit Account No. 50-0911.

Dated: **June 17, 2010**

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